

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6116**

**BILL NUMBER:** SB 34

**NOTE PREPARED:** Nov 21, 2008

**BILL AMENDED:**

**SUBJECT:** Assisting a Criminal.

**FIRST AUTHOR:** Sen. Bray

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides, for purposes of the crime of assisting a criminal, that it is not a defense that the person assisted has not been prosecuted, has not been convicted, or has been acquitted.

(The introduced version of this bill was prepared by the Sentencing Policy Study Committee.)

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** This bill should result in a limited increase in the number of new offenders for the Department of Correction (DOC). The current number of offenders who are committed to DOC for this offense is relatively small. And the potential increase is expected to be limited as well. From CY 2003 to 2007, the number of offenders who were committed to DOC has ranged between 18 and 30.

| <b>Felony Level</b> | <b>2003</b> | <b>2004</b> | <b>2005</b> | <b>2006</b> | <b>2007</b> |
|---------------------|-------------|-------------|-------------|-------------|-------------|
| Class C             | 6           | 13          | 8           | 4           | 7           |
| Class D             | 21          | 17          | 18          | 19          | 11          |
| Grand Total         | 27          | 30          | 26          | 23          | 18          |

The average time served for offenders released during CY 2007 was 339 days for Class C felonies and 278 days for Class D. The average expenditure to house an adult offender was \$20,287 in FY 2008 and \$69,223 for a juvenile. (This does not include the cost of new construction.)

*Background:* The following table shows what qualifies for the various classes of misdemeanors or felonies for assisting a criminal.

| Crime               | Harboring, concealing, or otherwise assisting a person committing a: | Term of Incarceration   |
|---------------------|--|---|
| Class A Misdemeanor | Misdemeanor  | Up to one year in county jail                                 |
| Class D Felony      | Class D, C, or B felony  | Advisory sentence 1.5 years; ranges from 6 months to 3 years, |
| Class C Felony      | Class A felony or Murder   | Advisory sentence 4 years; ranges from 2 to 8 years,          |

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fines for both Class D and C felonies is \$10,000. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

**Explanation of Local Expenditures:** If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association, Department of Correction.

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